



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 21, 2004

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#04-68 *Agua Caliente Band of Cahuilla Indians v. Superior Court*, S123832. (C043716; 116 Cal.App.4th 545, mod. 116 Cal.App.4th 1159g; Sacramento County Superior Court; 02AS04545.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case includes the following issue: Can a California state court exercise jurisdiction over a federally-recognized Indian tribe in an action by the Fair Political Practices Commission to enforce campaign contribution reporting requirements under the Political Reform Act (Gov. Code, § 81000 et seq.) where Congress has not authorized the suit and the tribe has not expressly waived its sovereign immunity?

#04-69 *California Statewide Communities Development Authority v. All Persons Interested etc.*, S124195. (C042944, C042947, C042948; 116 Cal.App.4th 877; Sacramento County Superior Court; 02AS03351, 02AS03353, 02AS04563.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Can tax-exempt bond financing be provided to sectarian schools that discriminate on religious grounds in admission and require instruction in a particular faith so long as the financed facilities will not be used for any sectarian purpose, or is the provision of such financing to such entities nonetheless barred by

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article XVI, section 5, of the California Constitution or the establishment clause of the First Amendment to the United States Constitution?

#04-70 *Kearney v. Salomon Smith Barney*, S124739. (A101477; 117 Cal.App.4th 446; San Francisco County Superior Court; 412197.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Can a claim for violation of the Invasion of Privacy Act (Pen. Code, § 630 et seq.) or the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) be premised on the recording of a telephone call without the consent of all parties to the conversation (see Pen. Code, § 632) where the telephone call in question is between California and a state that requires the consent of only one party to the conversation and the call is recorded in the other state?

#04-71 *Wells v. One2One Learning Foundation*, S123951. (C042504; 116 Cal.App.4th 515; Sierra County Superior Court; S46-CV-5844.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: Is a public entity, such as a charter school, a “person” within the meaning of the False Claims Act (Gov. Code, § 12560 et seq.) and thus subject to a *qui tam* cause of action for allegedly obtaining payments from the state to which it was not entitled?

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